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9 Attorneys for Defendant
10 WEBLOYALTY.COM, INC.

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 KEVIN PARK, on behalf of himself and) Case No. 12-CV-1380-LAB-JMA
14 all others similarly situated)
15) **NOTICE OF MOTION AND**
Plaintiff,) **MOTION TO DISMISS**
16) **PLAINTIFF'S ROSCA CLAIMS FOR**
vs.) **LACK OF SUBJECT MATTER**
17) **JURISDICTION**
18)
WEBLOYALTY.COM, INC., a) Judge: Hon. Larry A. Burns
19 Delaware corporation; DOES 1 through) Location: Courtroom 14A (14th Floor)
20 50, inclusive) Date: Monday, October 30, 2017
21 Defendants.) Time: 11:15am
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TO: ALL PARTIES AND COUNSEL OF RECORD

PLEASE TAKE NOTICE THAT, on October 30, 2017 at 11:15am, in the courtroom of the Honorable Larry A. Burns, Defendant Webloyalty.com, Inc's ("Webloyalty") Motion to Dismiss Plaintiff's ROSCA Claims for Lack of Subject Matter Jurisdiction will be heard.

This Motion will be and hereby is made pursuant to Federal Rule of Civil Procedure 12(b)(1). Plaintiff's Seventh and Ninth Claims ("ROSCA Claims") must be dismissed under Fed. R. Civ. P. 12(b)(1) because Plaintiff does not have standing to bring these claims.

This Motion is based upon this Notice, the Memorandum of Points and Authorities in Support of Defendant's Motion to Dismiss, the Declarations of Elizabeth Schueler and Christopher T. Casamassima, all accompanying exhibits, and such evidence and arguments that may be adduced at the hearing of this matter.

WHEREFORE, Defendant Webloyalty respectfully requests that the Court enter an Order dismissing Plaintiff's ROSCA Claims.

1 Dated: September 19, 2017 Respectfully submitted,

2 WILMER CUTLER PICKERING HALE
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